

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHEN-TEH SHU, DONG-XUNG DAI, and
ROBERT SHI, as joint executors of the will of
YUEH-LAN WANG,

Plaintiffs,

v.

SUSAN RUEY-HWA WANG, PAO CHU LEE,
and VANESSA RUEY-JI WONG,

Defendants.

Civil Action No. 10-5302 (JMV)

ORDER

John Michael Vazquez, U.S.D.J.

This matter comes before the Court on multiple motions filed by Defendants Susan Ruey-Hwa Wang, Pao Chu Lee, and Vanessa Ruey-Ji Wong (collectively, “Defendants”) and Plaintiffs Chen-Teh Shu, Dong-Xung Dai, and Robert Shi, as joint executors of the will of Yueh-Lan Wang (collectively, “Plaintiffs” or the “Joint Executors”). The following motions are pending before the Court: (1) Plaintiffs’ Motion for Leave to File Second Amended Complaint Pursuant to Federal Rule of Civil Procedure 15(a) (the “Motion to Amend”) (D.E. 68); (2) Defendants’ Cross Motion to Dismiss the Action on the Grounds that the Action is a Legal Nullity (the “Cross Motion to Dismiss”) (D.E. 79); (3) Defendants’ Renewed Motion to Dismiss the Amended Complaint (the “Renewed Motion to Dismiss”) (D.E. 78); and (4) Plaintiffs’ Motion to Strike the Cross Motion to Dismiss and the Renewed Motion to Dismiss (the “Motion to Strike”) (D.E. 94). Because the motions raise similar issues of law and fact, the Court considered the motions together. The Court reviewed all submissions made in support and in opposition to the motions and held oral argument on June 29, 2016. For the reasons set forth in the Court’s Memorandum Opinion accompanying this Order, and for good cause shown,

IT IS on the 17th day of October, 2016

ORDERED that the Order granting the Motion to Substitute (D.E. 61) is modified such that the Joint Executors are substituted into this action as Plaintiffs for the limited purpose of addressing the motions discussed in this Order and the accompanying Memorandum Opinion and to refile this matter in a court of competent jurisdiction in the Republic of China (“Taiwan”). Defendants’ defenses that arise from arguments regarding the validity and scope of the Power of Attorney and Winston Wong’s capacity to sue are expressly preserved; and it is further

ORDERED that the Renewed Motion to Dismiss (D.E. 78) is **GRANTED** on *forum non conveniens* grounds. Plaintiffs shall have ninety (90) days from the date of the entry of this Order to refile the action before a court of competent jurisdiction in Taiwan. The Court is not reaching the other arguments raised in the Renewed Motion to Dismiss; and it is further

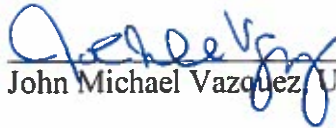
ORDERED that Plaintiffs’ First Amended Complaint is **DISMISSED WITH THE FOLLOWING CONDITIONS:**

- (1) To the extent that any Defendant is not subject to service of process and/or the personal jurisdiction of a court of competent jurisdiction in Taiwan, the Defendant stipulates to consent to service of process and personal jurisdiction before such Taiwanese court, should Plaintiffs choose to refile this action in Taiwan within ninety (90) days of the date of entry of this Order; and
- (2) Defendants waive any statute of limitations defenses that have arisen since Plaintiffs filed this action on October 14, 2010, should Plaintiffs choose to refile this action in Taiwan within ninety (90) days of the date of entry of this Order. Defendants may raise any statute of limitations defense that existed before October 14, 2010; and it is further

ORDERED that the Motion to Amend (D.E. 68) and the Cross Motion to Dismiss (D.E. 79) are **DENIED WITHOUT PREJUDICE AS MOOT**; and it is further

ORDERED that the Motion to Strike (D.E. 94) is **DENIED** as procedurally improper; and it is further

ORDERED that the Clerk of this Court designate this action, insofar as it exists in the United States District Court for the District of New Jersey, as **CLOSED**.


John Michael Vazquez, U.S.D.J.